

**SUBMISSION BY****DR BRUCE QUIG**

The following submission to the Inquiry into the Public Housing Renewal scheme is based upon my submission to the Standing Advisory Committee (SAC) process for the New Street, Brighton housing renewal. Many of the frustrations and shortcomings identified appear to be common to other sites as well. The shortcomings range from high level flaws in the processes employed, improper intent, and also in how these flawed processes are then interpreted and executed by DHHS.

I started off this process believing that DHHS and the Government had made some errors in how they chose to design and execute an ambitious scheme. Over the past months however the sheer number of inconsistencies of information given, the information deliberately withheld, and the timing of actions leads me to strongly suspect that the DHHS has not always acted in good faith.

The DHHS submission for a planning scheme amendment provides a highly unsuitable outcome based upon a flawed process, incorrect information and assumptions, and the application of motives other than the increased provision of public housing. In trying to meet other goals such as profit maximisation, DHHS have proposed a planning scheme amendment that fails many tests.

Below I have summarised some key issues that I requested to raise in more detail at the forthcoming public SAC hearing for the New Street renewal.

**ISSUES****1. Factually incorrect documentation**

A number of the key documents provided by DHHS contain factual errors including wrong heights, mislabelling of diagrams and views of the estate, references to the wrong housing estates and an incomplete and inconsistent engagement report. These documents are key to the preparation of meaningful submissions. These errors were communicated to DHHS and Planning Panels around Oct 5<sup>th</sup> and corrected documents were not made available prior to the Directions hearing for the New Street Estate.

**2. Terms of Reference**

The terms of reference that the Standing Advisory Committee must follow are too narrow. Specific exclusions are made to factors that are used by DHHS in their strategic documents and Design Framework to justify their design response. Much of the Design Framework and Design response (and witness expert testimonies) link to the strategic intent of Plan Melbourne, Homes for Victorians and other high level strategies aiming to leverage public land for revenue to fund housing initiatives. However the SAC terms of reference explicitly exclude the ability of anyone to defend against these strategies or the way they have been interpreted and used to justify extreme planning responses.

The SAC terms of reference and exclusions have been carefully designed to allow the SAC an extremely narrow focus. Rather than do this for expediency I believe that this is also to stifle debate and to ensure that a pre-determined outcome is realised.

**3. Relevant Planning Authority**

The New Street planning scheme amendment does not provide any compelling reason for taking the significant step of making the Minister the Relevant Planning Authority for the site. The proposal does not

provide any reason consistent with the applicable planning note for Ministerial intervention. This has also been applied at other estates. In the case of the New Street site, DHHS are claiming that the site redevelopment is a project of state significance. This appears to be a very low threshold for "state significance" and possibly an abuse of the term.

The other argument given is the urgency required to tackle the public housing shortage and that further delays cannot be tolerated. The salient facts here are that this shortage is real but not a new or sudden thing, any so-called sudden emergency is a result of a foreseeable result of previous inaction. This argument also does not factor in that the proposed development does little to help housing shortage and in fact may actually cause a reduction in the number of public housing tenants onsite in New Street (see below in section 4.)

There are also many vague references in the DPO and other documents ("in general accordance", "to the satisfaction of the Minister") which would give the minister almost unfettered power and little guidance as to how to use this unfettered power.

It should also be noted that the processes advocated by DHHS includes the loss of all third party appeal rights. The reason for third party appeals processes are a foundation democratic right enshrined in public and planning law to enshrine fairness. These processes have been honed over many years to strike a balance between fairness to all affected parties and the need for appropriate development. These rights should never be removed just for the sake of convenience and expediency by the Government of the day. These rights are fundamental to a modern democracy.

It should also be noted that the Minister already has the powers to intervene if required in any planning process, and could do so in the public housing renewal projects if appropriate circumstances arose. Additionally it should be noted that in attempting to become the relevant authority directly, the Minister is not making use of the very initiatives funded out of the Homes for Victorians strategy document where over \$10 million was allocated for streamlining planning processes with relevant council bodies.

#### 4. Reduction in public housing capacity

DHHS have attempted to cite urgent need for additional public housing to meet current community needs as a reason for almost all of the excessive and radical elements of the proposal. These include the proposed tripling of allowable height, selection of the relevant planning authority, lack of appeal rights, and refusing to respect the current Upper House enquiry.

The minimum 10% increase in housing that is repeatedly cited is however misleading, particularly on this site. Repeated requests were made to DHHS for information on the current bedroom layouts of units. Despite repeated assurances by DHHS that they would supply this information (from Sept. 6 till present), this information was not forthcoming. The information has been gleaned however from the DHHS (and their expert witness) submissions to the SAC.

These reports show there are currently 127 units (39 x 1BR, 12 x 2BR, 76 x 3BR). The new proposal will see 140 smaller units, so that number effectively drops to 197 bedrooms in the new estate, a reduction of 94 available bedrooms (around 32%). Even with a higher utilisation rate of smaller bedroom units, it is likely there will be a net reduction in the number of public housing residents that will be housed at the site in future.

Although DHHS did not supply information on number of bedrooms they did supply current utilisation data (2BR – 1.2 persons, 3BR- 2.1 persons, none given for 1 BR). Repeatedly DHHS have tended to ignore supplying information that they believe may not support their case but are happy to supply more obscure facts that they believe support their case.

The utilisation data suggests current resident total of around 213 residents if 1BR units are occupied by 1.

With the reduction in size of units, a 50% increase in current utilisation of 2 & 3 BR units would still result in a net reduction in residents.

The Minister for Housing has guaranteed return rights to tenants. Whilst this, on the surface, is an admirable promise, it is problematic in the claimed outcomes for the site. There are currently 76 3BR units, whose tenants will need to be offered return rights but somehow fit into 7 available 3BR units. Based upon DHHS utilisation figures this represents 159 current residents of 3BR units. DHHS plans suggest that the use of flexible 1 & 2 bedroom units with interconnecting doors can provide flexibility in achieving this.

Many will need to be housed using hybrid 2BR/1BR combinations. If only 20 families return the use of 13 hybrid units will result in the removal of the whole 10% increase in units. There would then be no increase in the number of available units over the current status quo. If more than 20 return there would be a net reduction in units on site.

The assumption is also that hybrid units would include redundant kitchen, laundry and bathroom facilities providing an inefficient use of available resources.

#### 5. Parking & Traffic

The traffic and planning reports and plans do not adequately and accurately represent likely problems with current plans. This includes on-site parking, off-site parking impacts, safety around local schools and kindergartens, emergency vehicle access and service vehicle access (including waste disposal). The description of the current capacity and capabilities of existing streets to handle two-way traffic are not realistic. The proposals are advocating the use of lower than accepted standards in parking allocations. These seem to be based on the basis of a single day's observation. The figures given also are based upon the current state of the site which DHHS have also claimed is not fully occupied due to its dilapidated state. So you should not be able to claim no one is currently onsite due to its condition, and then use that as the data upon which future reduced car parking is made available.

#### 6. Height & Density

The plans represent heights and densities way beyond any reasonable interpretation of current neighbourhood character and context. An increase of maximum allowed height from 3 stories to 9 is an extreme response with little regard to the impacts on local communities. This would cause:

- Major overshadowing of neighbourhood properties
- Major overlooking of neighbourhood properties

In the case of New Street, the proposed heights would likely make this site the tallest structure in the whole of Bayside. This is even more startling seeing that the site is not even in an activity zone.

Documentation sent to residents by DHHS claimed "no overshadowing" would happen at all with the new design. Whilst the modelling may show that overshadowing may be within allowable guidelines of 5 hours shadow free at the September equinox, the flyers sent that say there is absolutely no overshadowing are extremely misleading.

#### 7. Open/Community Spaces

The plans greatly reduce the available open space onsite with only one open space (with traffic considerations) proposed rather than the 5 separate spaces currently deployed as community playgrounds (3) and community gardens (2). Social research emphatically shows the value of Community gardens in improving health outcomes, sense of community and social integration.

It is ironic that these elements, which contribute greatly to the current cohesiveness of the site, are the first victims of the greatly increased mass planned for the site. Part of the reason given for the increased mass is that a public/private mix ensures cohesiveness and social integration (which in the opinion of many current residents and neighbours already exists).

#### 8. Flooding

The available documentation does not provide confidence that adequate consideration has been given to the flooding risks associated with this site. Flood mitigation onsite means that it is likely that the ground level of the site will be raised meaning that any of the proposed towers will appear as higher than in most comparable developments. It is likely with a higher base ground level required 9 storeys is effectively 9.5 storeys.

#### 9. Multi Use Zone (MUZ)

The planning scheme amendment aims to change the site to a Multi Use Zone classification. There is no justification for this zoning other than the desire to massively extend the height of the built structure. It is not a multi-use site, with the proposed minimal retail capacity (with no guest parking allowance) seeming like an add-on to legitimise the change in zoning. The site is not part of an activity centre. Apart from the extreme height objective there is nothing else onsite that cannot be achieved by the current zoning.

#### 10. Loose and Inadequate Planning Development Overlay

The current PDO uses vague terminology that is likely to result in even greater pressure on heights and densities of built form by private developers for greater profit. Terms such as "in general accordance" do not adequately guide the relevant planning authority.

#### 11. Lack of true consultation

As a local resident, one of the most disappointing aspects of the whole process to date has been the poor quality or absence of true consultation by DHHS with local residents of the estate and surrounding locale. There is an overwhelming feeling that the consultation processes have not been authentic with outcomes largely pre-determined. Issues and shortcomings include:

- Only one inadequately run consultation session that was chaotic and disorganised, followed by a series of sessions described as consultation sessions that were merely information sessions on what was going to happen.
- Withholding available information
- Misleading and inconsistent information supplied
  - Repeated claims that certain decisions (eg. parking allocations) had not been made yet, when subsequent release of documents show that these decisions had been already been made
- Inappropriate DHHS staff behaviour at information sessions
  - Impatient demeanour when questions repeated for clarification
  - Subsequent refusable to engage or clarify previous answers
- Ill prepared and uninformed DHHS staff
  - Providing misleading advice on documents they later admit they have not read themselves
  - Advising residents to focus SAC submissions on anything that concerns them, rather than focussing on the terms of reference that the SAC can advise upon. This was later justified by DHHS by the fact that DHHS will review and respond in an internal process subsequent to the SAC process. To my knowledge this process is not publicly documented and it is not clear to anyone what this entails or what outcomes are reached as part of this additional process.
- Active refusal to provide information (FOI)

- The North Brighton Residents Action Group (NBRAG) submitted an FOI request to obtain additional information on how this process was instigated and any underlying information driving the process followed. The response to this FOI was not timely and breached FOI guidelines. When information was supplied (outside the mandated timeframe) much was redacted. Of approximately 180 pages identified as being relevant, only 30 were actually given to NBRAG, the rest withheld on public interest grounds that it might foster ill-informed debate.

## 12. No evidence of a plan for residential integration

Little to no information has been given on any meaningful plans or activities to address the challenges of mixed housing estates. At information sessions DHHS staff used sweeping generalisations that sites that were dedicated public housing sites "did not work", despite our explaining to them that by any measure the current estate "did work". It was used as a justification for the scale of densification however no-one could explain how the issues identified in their earlier attempts at mixed models such as the Carlton public housing site (see Dr Kate Shaw's research paper) would not be repeated.

Many of the current qualities of the estate (such as community spaces and community gardens) that engender integration are to be largely lost in the new plans.

## 13. Little evidence of site specificity in strategy and design documents

The DHHS documents appear to use consistent data, information and design imperatives across multiple housing sites. The New Street Estate is unique in many ways and this is not adequately addressed within the design response. The site is uniquely placed with a very highly regarded public primary school within 50 metres with capacity for growth. This site has the potential to provide focus for families that would require higher bedroom counts. There is nothing to suggest that these factors have been fully investigated. The suspicions of a "cookie cutter" approach are only reinforced by the identical language being used in documents across many sites, and the incorrect references to other sites within the current document set and websites.

## 14. Recommendations

My recommendations to the SAC are listed below

- The SAC conduct a site visit with input from key stakeholders
- Delay the SAC public hearing until corrected versions of documents have been provided and amended submissions can be forwarded to the SAC.
- Cease further deliberation until after the Upper House Enquiry reports back on widespread concerns on the processes adopted in the Housing Renewal Scheme
- Adopt any recommendations arising from the Upper House Enquiry and review all previous findings
- Retain Council as Relevant Planning Authority
- Retain third party appeal rights
- Re-engage with stakeholders for an authentic consultation process
- Improve public housing outcomes by increasing the mix of public housing spaces in the estate
- Any findings on applicable height and density limits be clear and binding

## Summary

The current plans, and the processes that have been used to reach them, are frankly terrible. They will ruin many streetscapes around Melbourne and not even have a meaningful impact on public housing issues. The whole aim of the process appears to be a shrouded attempt to raise significant revenue under the guise of housing renewal. It addresses the age and condition of some estates but does not deliver on the increased and

growing need for public housing. With the loss of significant public land assets it also gives Government no future way to deal with continued demand for public housing as future growth will be hampered by lack of availability of appropriate land.

The whole process appears reverse engineered around a predetermined outcome, meaning that the design responses are poor and inappropriate. Many alternate funding and design models do not appear to have been considered. International best practises seem to have been ignored. It is hard to know whether the biggest negative impact is on the many affected communities and stakeholders affected by these poor outcomes, or on the lost generational opportunity to tackle a significant community challenge in housing many of Victoria's most vulnerable citizens.